NEPA Document Formats

Chapter 2 Module 3

HO# 4

NEPA Documentation

- Categorical Exclusions
  - should be documented
- Record of Environmental Consideration (REC)
  - Restricted to military actions under AR 200-2!
- Environmental Assessment (EA)
- Notice of Intent (NOI)
- Environmental Impact Statement (EIS)
- FONSI or Record Of Decision (ROD)

NEPA Document Contents

- Environmental Assessment.
  - No formal format.
  - 15 pages is the recommended page limit, FR 18037 March 23, 1981 (see CEQ Q+A #36).
  - Remember the intent is to determine if you need to prepare an EIS!

Environmental Assessment (EA)

- Assesses the need for an EIS
- First document in the process
- Determines significance of impacts on the human environment (What is the Human Environment???)
  - A Finding of No Significant Impact (FONSI) is prepared if an EIS is not required.
  - District Commander's responsibility

EA Format (Suggested)

- Title
- Purpose and Need for the Proposed Action*
- Proposed Action and Alternatives*
- Environmental Setting**
- Environmental Impacts and Their Significance Relative to the Human Environment*
- Status of Environmental Compliance
- List of Agencies/Tribes and Publics Consulted*

* Mandatory 40 CFR 1508.9b ** 1502.10 EIS format

FONSI Content

- Briefly present reasons why action will not have significant impact on the human environment.
- State an EIS is not required
- Reference any other related environmental documents.
- Mitigation measures (if required) Note Mitigative EA

Environmental Impact Statement (EIS)

- Prepared when ----------
  - Major Federal Actions (including adoption of formal plans or programs).
    - Significantly affect the quality of the human environment
    - Actions cumulatively have significant effect on the human environment .*

* What is a cumulative impact? How do you consider such actions in an analysis?

Environmental Impact Statement (How)

- Notice of Intent:
  - Publish in Federal Register.
  - Brief description of action & alternatives.
  - Describes Scoping Process including location and timing of any proposed meetings.
  - Identifies expected issues.
  - Provides POC for action.

Environmental Impact Statement (How)

- Guidance
  - Appendix C 33 CFR 230/ER 200-2-2
  - http://ceq.eh.doe.gov/nepa/nepanet.htm
  - 40 CFR 1500
  - 40 Questions & Answers

EIS Content

Required Content of An EIS	
Cover Sheet	Environmental Consequences
Summary	List of Prepares
Table of Contents	List of Agencies
Purpose and Need for Action	Index
Alternatives including proposed action	Appendices
Affected Environment	

Executive Summary

- Should not normally exceed 15 pages.
  - Major conclusions.
  - Areas of controversy.
  - Issues to be resolved.

Purpose and Need

- Identify the purpose and need for the project.
- Will also discuss impact of not proceeding and what can be expected to be accomplished
- Establishes the scope of alternatives to be addressed
- Step 1 of P&G's "Six Step Planning Process" (Problem & Opportunity)*.

*Student Question – How does NEPA and P& G interface?

Project Alternatives

- Heart of the EIS.
- Include the alternative of no action.*
- Include reasonable alternatives that can be implemented by others.
- Eliminate alternatives that cannot be implemented and explain why.
- Include actions by others.

* P&G future w/o project condition

Project Alternatives (cont...)

- Identify the agency's preferred alternative.
- Include appropriate mitigation measures.*
- Present impacts of alternatives in comparative form
  - Table of Comparison
  - Based on Chapter 3 Environmental Consequences
- Equivalent to Steps 3, 5 & 6 of P&G.
  - *(formulate, compare & select alternative)*

* Mitigation at this point may be considered good environmental design.

Comparative Impacts Table

Project	Impacts to Wetlands	Stream Miles Dredged	Structures Impacted
Green Field Alternative	24 acres filled	none	25 homes raised
Mt. Hope Alternative	20 acre buffer created	none	50 homes relocated
Carson Creek Alt.	Changed hydrology	5 miles	none

Affected Environment

- Describes the environment of the area to be affected by the project, existing conditions or “what’s out there.”
- Establishes the significance of the resources and any associative issues.
- Reach of analyses is influenced by Scoping Meeting!

Affected Environment (cont...)

- NO IMPACT ANALYSES in this chapter!
- Baseline for comparison of impacts in later chapter.
- Extent and depth of information should be consistent with significance of the resource.
- Step 2 of P & G (Inventory Conditions).

Environmental Consequences

- Provides the detailed analytical basis for comparison of the impacts of each alternative.
- Use best available science !!!
- Step 4 of P & G (Evaluate Effects).

Required NEPA Discussions Sec 102 [42 USC § 4332]

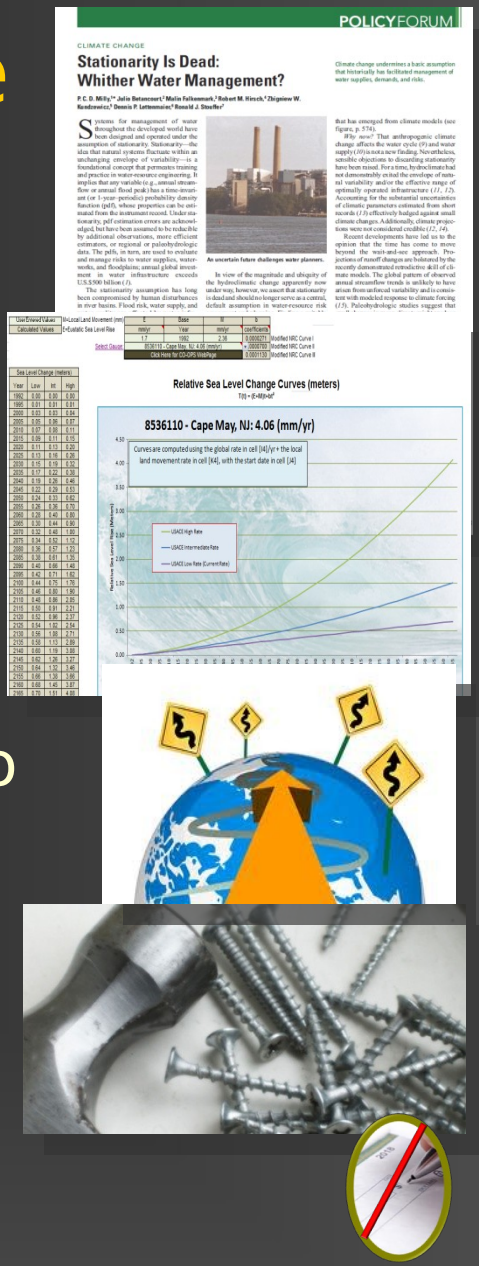
- Environmental impacts of the alternatives including the proposed action.
- Any adverse impacts that cannot be avoided.
- The relationship between local short-term use of the environment and the maintenance and enhancement of long-term productivity.
- Any irreversible and irretrievable commitment of resources.
- Comparative Impact Analysis.

Other “Required” Discussions: Climate Change

- Green House Gasses (GHG): CEQ Memorandum 18 Feb 2010
  - Affirms the applicability of NEPA to GHGs and climate change thereby requiring the consideration of climate change impacts when undertaking long-term planning.
- ASA Policy 3 June 2011
  - Calls for integrating climate change adaptation planning and actions into USACE missions, operations, programs, and projects and points out that that we should consider climate change impacts when undertaking long-term planning.

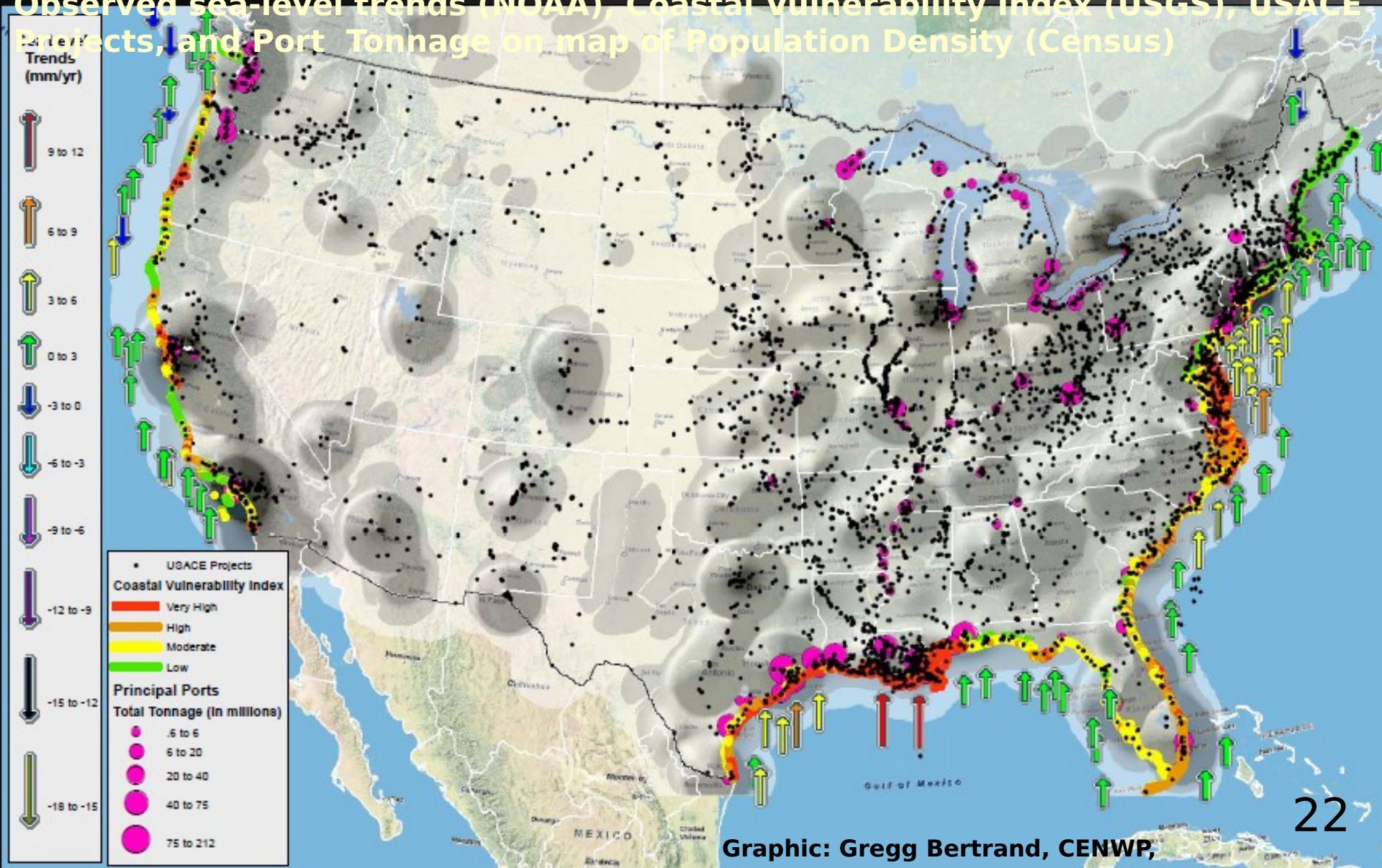
Challenges of Climate Change Analyses

- Non-stationarity of physical processes occurring on a global Scale
- Clear roadmap for a complex, problem with long planning and adaptation horizons
- Defining levels of analysis appropriate to the decision scale (e.g., consequences)
- Incorporating adaptive management and anticipatory engineering – without an “open checkbook”



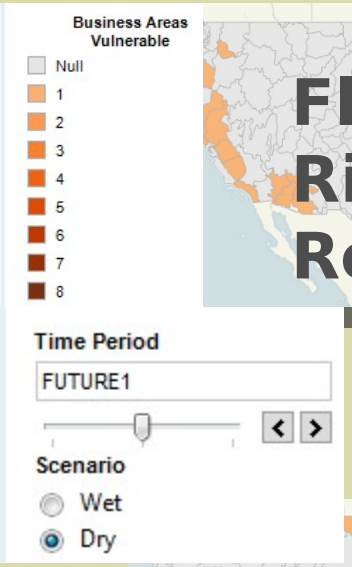
Changing Sea Level: ID Critical Infrastructure

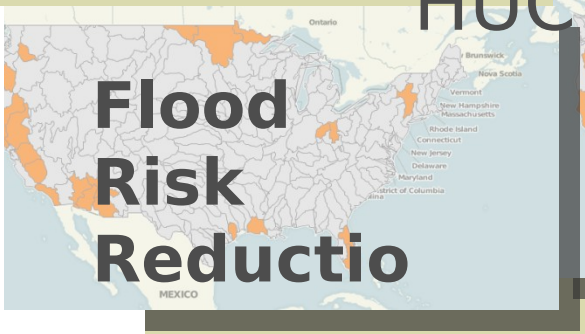
Observed sea-level trends (NOAA), Coastal Vulnerability Index (USGS), USACE Projects, and Port Tonnage on map of Population Density (Census)

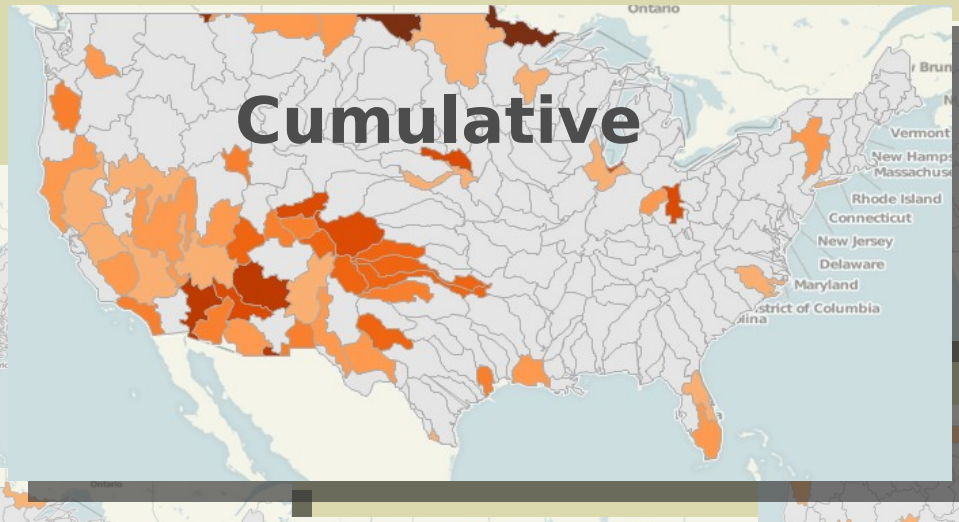


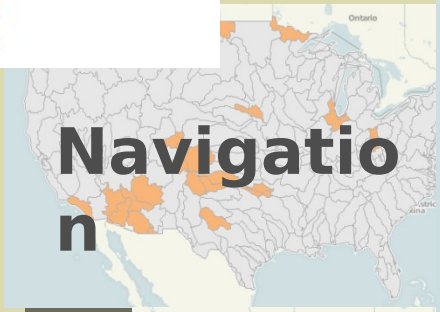
Graphic: Gregg Bertrand, CENWP,

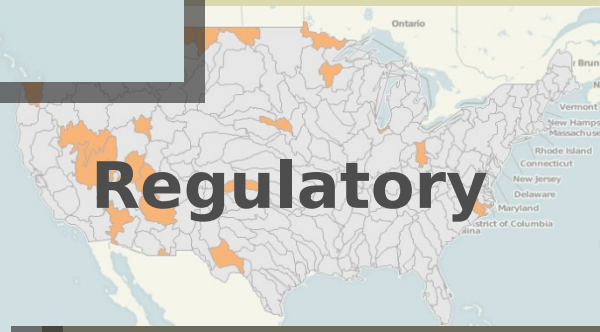
2030 Vulnerability by Business Line to Dry Scenario
HUC 4 Watersheds











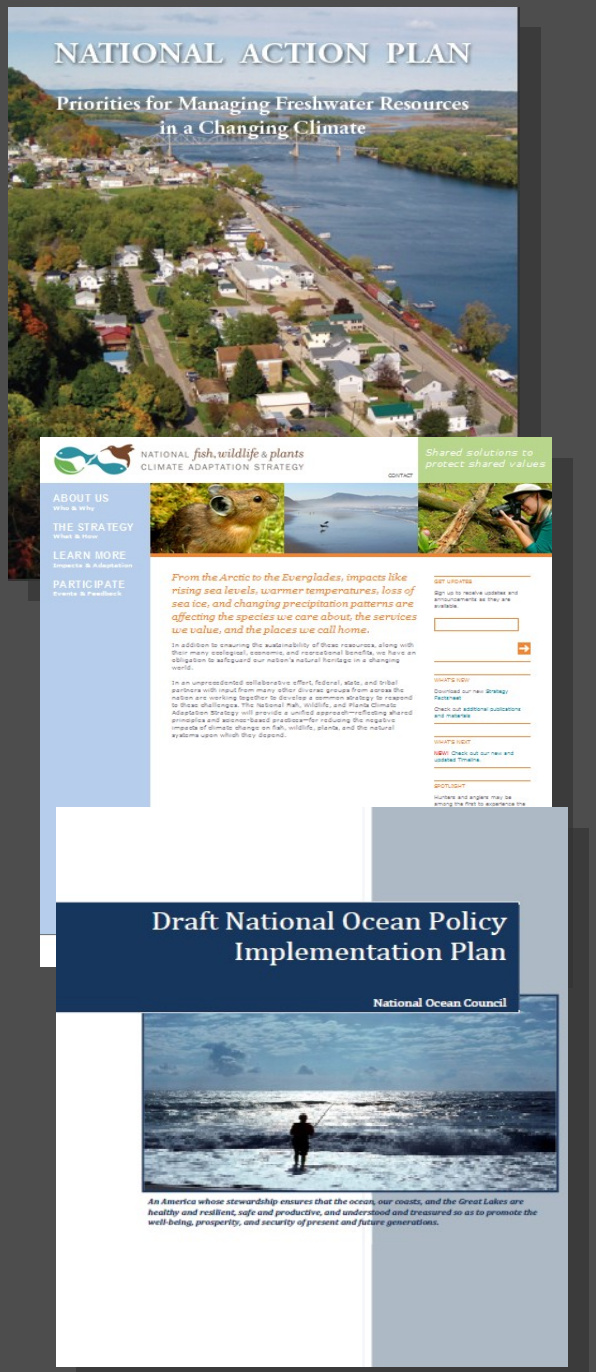
Climate change mitigation is about

SPECIAL REPORT GLOBAL WARMING
TIME
BE WORRIED. BE VERY WORRIED.
Climate change isn't some vague future problem—it's already damaging the planet at an alarming pace. Here's how it affects you, your kids and their kids as well
EARTH AT THE TIPPING POINT
The Economist
The Blair leadership crisis
The new boss at Ford
An honest in-flight announcement
Catastrophe looms in Darfur
Fancy a Swedish model?
The heat is on
A special report on climate change
SCIENTIFIC AMERICAN
Ethics and Economics of
Climate Change
Meteor Mystery
Trust Hormone
Science
Science
The Perfect Drought
Sports Illustrated
SPORTS AND GLOBAL WARMING
As the Planet Changes, So Do the Games We Play
Time to Pay Attention
The Atlantic
HOT PROSPECTS
BioScience
Audubon
SINK or SWIM on the ARCTIC

CARBON

WATER

Climate change adaptation is about

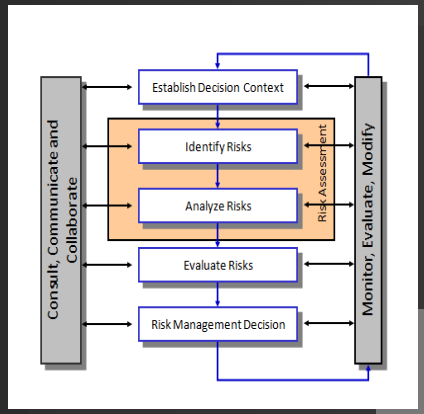

NATIONAL ACTION PLAN
Priorities for Managing Freshwater Resources in a Changing Climate
NATIONAL fish, wildlife & plants CLIMATE ADAPTATION STRATEGY
Shared solutions to protect shared values
ABOUT US
THE STRATEGY
LEARN MORE
PARTICIPATE
From the Arctic to the Everglades, impacts like rising sea levels, warmer temperatures, loss of sea ice, and changing precipitation patterns are affecting the species we care about, the services we value, and the places we call home.
Draft National Ocean Policy Implementation Plan
National Ocean Council
An America whose stewardship ensures that the ocean, our coasts, and the Great Lakes are healthy and resilient, safe and productive, and understood and treasured so as to promote the well-being, prosperity, and security of present and future generations.

COE FY 11-12 Priorities

- Support the National Action Plan to Manage Freshwater Resources in a Changing Climate
- Draft National Fish, Wildlife and Plants Climate Adaptation Strategy
  - USFWS, NOAA, NYFWMR and Association of Fish & Wildlife Agencies
  - Due in 2012
- Draft Implementation Plan for the National Ocean Policy from National Ocean Council (see

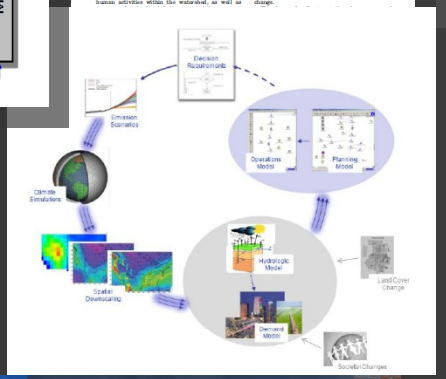
FY 11-12 Priorities

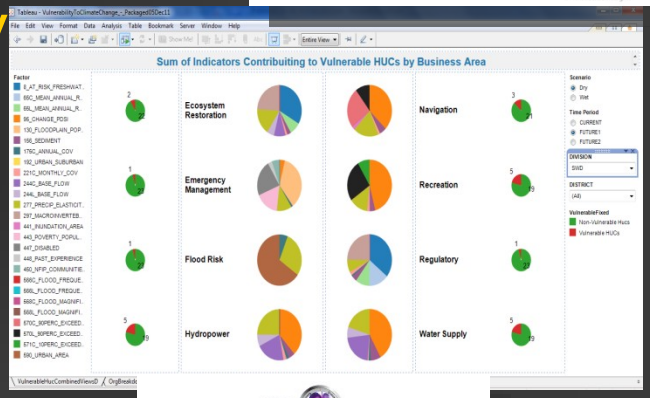
- Framework for risk-informed decision-making
- Address nonstationarity hydrology and how to select from the portfolio of approaches
- Refine screening level vulnerability assessments at national scale, include new assessments at the project level
- Develop metrics and endpoints to measure adaptation effectiveness in a comprehensive systems approach



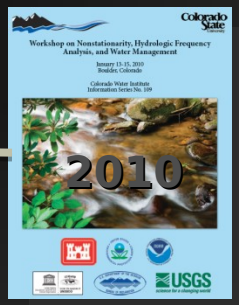
JOURNAL OF THE AMERICAN WATER RESOURCES ASSOCIATION

INTRODUCTION TO THE FEATURED COLLECTION ON "NONSTATIONARITY, HYDROLOGIC FREQUENCY ANALYSIS, AND WATER MANAGEMENT"





Hydrology: Developing Policy and Guidance



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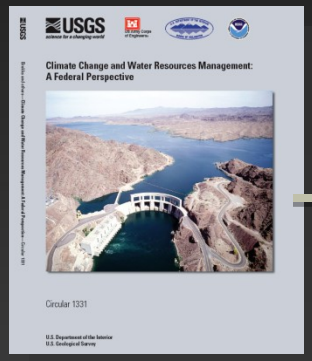
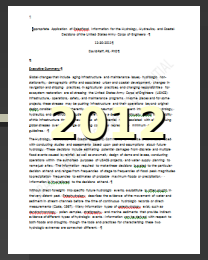
EC 2012 • • • Nonstationarity


USGS
science for a changing world
Climate Change and Water Resources Management: A Federal Perspective
Circular 1331
U.S. Department of the Interior
U.S. Geological Survey

CCAWWG Report 2012 | JP 2012 | ETL 2013 • • • Portfolio of Approaches



JP 2012/ 2013 | ETL 2012/ 2013 • • • Use of Paleohydrology

• • • General hydrological guidance, frequency, risk, etc • • •

"Other" Required Discussions (cont)

- Environmental Justice : Executive Order 12898 of 1994 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- Guidance Under the NEPA CEQ April 1997
  - Final Guidance For Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses
- Guidance for EPA CEQ July 1999
  - Final Guidance for Consideration of Environmental Justice in Clean Air Act 309 Reviews USEPA

Environmental Justice (cont)

- These regulations require socioeconomic impacts that are associated with significant physical environmental change be addressed in the EIS to include effects on minority and low-income communities including human health, social, and economic effects.
- MOU EJ 08/04/2012 : Emphasizes the consideration of the environmental justice impacts

  of climate adaptation … and strengthening environmental justice efforts under the National Environmental Policy Act and Title VI of the Civil Rights Act of 1964

List of Preparers

- Individuals preparing significant portions of the EIS, analyses or background papers.
- Provide the names.
- Qualifications/professional expertise and experience.
- 2 pages in length.

Appendices

- Material supporting analyses in EIS.
  - Analytic and relevant to the decision to be made.
- May be circulated (not required).
- Must be available upon request.
- Does not include material incorporated by reference.

Record of Decision (ROD)

- State Decision.
- Identify Alternatives including Environmentally Preferred Alternative.
- Discuss considerations taken in arriving at decision.
- State whether all practicable means to mitigate impacts were taken or if not why not.
- Include any monitoring and if required for mitigation.
- Include any compensatory mitigation
- Two pages in length!

Take Away Points

- NEPA documents have defined chapters.
- A good document will maintain chapter discipline!!!!
- The Alternatives section is the heart of the EIS
- A comparison of alternatives table provides decision maker with a quick reference!
- NEPA is procedural not proscriptive!
- See Reference file for QA/QC check list of an EIS

CLASS ROOM EXERCISE

Environmental Assessment – FONSI

Environmental Impact Statement – ROD

Rule of Reason & Alternatives

Handout # 4